

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>ALONZO SUGGS,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 09-cv-775-WDS</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	

**MEMORANDUM AND ORDER**

**STIEHL, District Judge:**

Before the Court is petitioner's motion for certificate of appealability (Doc. 13) and motion for leave to appeal *in forma pauperis* (Doc. 16).

**I. Motion for Certificate of Appealability**

Pursuant to 28 U.S.C. § 2253 the petitioner may not proceed on appeal without a certificate of appealability. Section 2253(c)(2) provides that a certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." Further, §2253(c)(3) provides: "The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2)." Here, petitioner has merely submitted the question of whether a habeas petition following resentencing is successive if it is based on previously unavailable evidence (Doc. 13). Petitioner, therefore, has not set forth any grounds for issuance of a certificate of appealability. The Court **FINDS** that the record does not support such a finding, and therefore, the Court declines to issue a certificate of appealability in this case, and **DENIES** petitioner's motion (Doc. 13).

## **II. Motion for Leave to Appeal *In Forma Pauperis***

Federal Rule of Appellate Procedure 24(a)(3) provides that a financially indigent person may be granted leave to proceed on appeal *in forma pauperis* unless the court “certifies that the appeal is not taken in good faith.” In other words, the court must determine “that a reasonable person could suppose that the appeal has some merit.” *Walker v. O’Brien*, 216 F.3d 626, 632 (7th Cir. 2000). Petitioner has not filed an affidavit regarding his pauper status, but merely asserts that the Seventh Circuit has previously granted him pauper status. Even if petitioner had filed an affidavit regarding his pauper status, the Court has not been persuaded that petitioner’s appeal has any merit, nor has his appeal been taken in good faith. Therefore, the Court **FINDS** that petitioner’s motion for leave to appeal *in forma pauperis* must be **DENIED** (Doc. 16).

### **Conclusion**

Accordingly, the Court **DENIES** petitioner’s motion for certificate of appealability (Doc. 13) and motion for leave to appeal *in forma pauperis* (Doc. 16).

**IT IS SO ORDERED**

**DATE: January 3, 2011**

**/s/ WILLIAM D. STIEHL**  
**DISTRICT JUDGE**